

In re MOURA et al. — Appln. No. 08/703,767

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~~server and said at least one remote device over said shared medium in accordance~~
with upstream and downstream channel protocols, and for issuing a credit signal for
said remote devices corresponding to a volume of data said remote client is authorized
to send.--

REMARKS

In response to the Office Action of January 10, 1997, we cancelled claims 26-28 without prejudice or disclaimer and added new claims 29-54. Thus, claims 21 and 29-54 are pending for reconsideration.

Drawings

The Examiner disapproved the drawing correction filed on 8-27-96 since the changes made were not in red ink. However, upon careful reading of MPEP 608.02(v), the revised sketch must be filed "showing the changes in red in or with the changes otherwise highlighted." Applicants submit that the changes in the 8-27-96 Drawing Change Request were highlighted and thus, should have been approved by the Examiner. Reconsideration is respectfully requested.

Information Disclosure Statement

The Examiner indicated that the Information Disclosure Statement filed 8-27-96 fails to comply with 37 CFR 1.98 (a) (2) since no copies of the references were attached. However, according to Rule 98(d), copies of these documents are not required since they were submitted to the Patent Office with an IDS filed in the parent application 08/426,920. In that regard, applicants enclose another copy of the 8-27-96 Form PTO-1449 and request consideration of the documents in this new application by returning the copy of Form PTO-1449 with the Examiner's initials in the left column per MPEP 609. In addition, we enclose copies of information disclosed in sister application serial no. 08/588,378 relating to field trial activities of applicants and assignee.

Provisional Rejection of Claim 21

Claim 21 was provisionally rejected under 35 U.S.C. 101 as claiming the same invention as claim 21 of copending sister application serial No, 08/588,378. We elect to cancel claim 21 in the sister application to have it fully considered here. Thus, the outstanding rejection under 35 USC §101 is now moot.

Disclosure and Claim Objections

The disclosure and claims have been carefully reviewed and revised bearing in

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mind the Examiner's rejections.

Attached herewith is a more legible copy of the specification per the Examiner's request in paragraph 6 of the Official Action.

Rejections under 35 U.S.C. § 102 and 103

Claims 26 and 28 were rejected under 35 U.S.C. § 102 as being anticipated by Zheng et al. because, unlike the invention of claim 21, Zheng et al. apparently disclose issuance of credit values by a remote device instead of a network manager. The operation of the invention of claims 26-28 as originally worded appears inconsistent with applicants' disclosure (see pp. 29-31). Thus, they are cancelled. Contrary, new claims 29-54 recite a structure whereby a network manager, or the like, administers credits while the remote devices respond by enabling the updating of credit control packets to reflect completion of transfer, or a remainder value.


Claim 27 was rejected under 35 U.S.C. § 103, but since it too was cancelled the rejection is moot.

Thus, claims 21 as well as new claims 29-54 define over the art.

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Reconsideration and allowance is respectfully requested.

Respectfully submitted,
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